

## 215 ILCS 97/40 (A) HIPAA Guaranteed Issue

Sec. 40. Guaranteed availability of coverage for employers in the group market.

(A) Issuance of coverage in the small group market.

(1) In general. Subject to subsections (C) through (F), each health insurance issuer that offers health insurance coverage in the small group market in a State:

(a) must accept every small employer (as defined in Section 10) in the State that applies for such coverage; and

(b) must accept for enrollment under such coverage every eligible individual (as defined in paragraph (2)) who applies for enrollment during the period in which the individual first becomes eligible to enroll under the terms of the group health plan and may not place any restriction which is inconsistent with Section 25 on an eligible individual being a participant or beneficiary.

(2) Eligible individual defined. For purposes of this Section, the term "eligible individual" means, with respect to a health insurance issuer that offers health insurance coverage to a small employer in connection with a group health plan in the small group market, such an individual in relation to the employer as shall be determined:

(a) in accordance with the terms of such plan;

(b) as provided by the issuer under rules of the issuer which are uniformly applicable in a State to small employers in the small group market; and

(c) in accordance with all applicable State laws governing such issuer and such market.

(Source P.A. 90-30, eff. 9-1-97)